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4 UNITED STATES DISTRICT COURT

5 Northern District of California

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7 BERNARDO MENDIA,

8 Plaintiff,

9 v.

10 JOHN M. GARCIA, et al.,

11 Defendants.

12 No. C 10-03910 MEJ

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19 **ORDER GRANTING DEFENDANTS
ADDITIONAL TIME TO RESPOND
TO OPPOSITION**

20 On January 12, 2012, Plaintiff Bernardo MENDIA filed an Opposition to Defendants' pending motion to dismiss. Dkt. No. 41. However, there is no indication that Plaintiff served the opposition on Defendants. Further, because the Clerk of Court did not electronically file the opposition until January 17, Defendants filed a notice of non-opposition as they had not received the opposition by the January 12 filing deadline. Dkt. No. 39. Given Plaintiff's failure to properly serve the opposition and the Clerk's delay in electronically filing it, the Court hereby grants Defendants until January 24, 2012 to file a reply.

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22 **IT IS SO ORDERED.**

23 Dated: January 19, 2012

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Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BERNARDO MENDIA,

Plaintiff,

V.

JOHN M. GARCIA et al,

Defendant.

Case Number: CV10-03910 MEJ

CERTIFICATE OF SERVICE

JOHN M. GARCIA et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 19, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Bernardo Mendoza
P.O. Box 28032
Oakland, CA 94604

Dated: January 19, 2012

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk